

Remarks

Claims 1-16 are pending in the application. Reconsideration and allowance of the application are respectfully requested.

The non-final Office Action dated September 7, 2007 lists the following rejection: claims 1-2, 4 and 6-10 stand rejected under 35 U.S.C. 102(e) over Mori *et al.* (U.S. Patent Pub. 2002/0093073). Claims 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Applicant respectfully submits that the Section 102(e) rejection of claims 1-2, 4 and 6-10 cannot stand because the cited portions of Mori do not correspond to the claimed invention which includes, for example, aspects directed to completely filling the cavity with a second layer of floating gate material. The cited portions of Mori do not teach that trench portions 11 are completely filled with conductor film 5. *See, e.g.*, Figures 3C and 4A. More specifically, Mori teaches that the second and third conductors 51-56 are formed on the side faces of the isolation regions 21-24, with the respective pairs of second and third conductors being separated from each other. *See, e.g.*, Figure 4B and Paragraph 0058. Mori's second and third conductors 51-56 are formed by depositing a thin conductor film 5 on the exposed faces of isolation regions 21 to 24 and then etching the thin conductor film 5 to remove the part of the thin conductor film 5 that is on the bottom of the trench portions 11. *See, e.g.*, Figures 4A and 4B; and paragraphs 0057 and 0058. Thus, the cited portions of Mori do not teach completely filling the cavity with a second layer of floating gate material as in the claimed invention.

Accordingly, the Section 102(e) rejection of claims 1-2, 4 and 6-10 is improper and Applicant requests that it be withdrawn.

In response to the potential allowability of claims 3 and 5, Applicant has rewritten claim 3 in independent form as new claim 11, which incorporates limitations of the base claim and any intervening claims. Applicant submits that, as is consistent with the instant Office Action, claim 11 is in condition for allowance over the cited references. New claims 12-16 depend from claim 11 and are allowable over the cited references for at least the same reasons as claim 11. Accordingly, Applicant respectfully requests that claims 11-16 be allowed.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilska, of NXP Corporation at (408) 474-9063 (or the undersigned).

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: _____
Name: Robert J. Crawford
Reg. No.: 32,122
651-686-6633
(NXPS.352PA)

